

## **201 KAR 12:030. Licensing, permits, and examinations.**

RELATES TO: KRS 317A.020, 317A.050, 317A.062, 317A.100, 317B.025

STATUTORY AUTHORITY: KRS 317A.060, 317B.020

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 and 317B.020 require the board to promulgate administrative regulations governing licenses in cosmetology, nail technology, and esthetics, including the operation of schools and salons of cosmetology, nail technology, and esthetics. This administrative regulation establishes procedures for examinations and licensing.

Section 1. Fees. License and permit fees are set forth in 201 KAR 12:260.

Section 2. Reciprocal Licensing. (1) A license issued by another state shall be considered comparable if the laws of that state require at a minimum:

- (a) 1,500 hours of curriculum for cosmetology;
- (b) 600 hours of curriculum for nail technology;
- (c) 1,000 hours of curriculum for esthetics; or
- (d) 1,000 hours of curriculum for instructors.

(2) An out of state applicant who meets the requirements of KRS 317A.100(1) or 317B.040(1) may be licensed by reciprocity by submitting the Out of State Transfer Application and the following:

- (a) Two (2) or more years documentation of tax records corresponding to the out of state license to demonstrate work history;
- (b) Certification of the out of state license from the issuing state board;
- (c) Diploma or certified testing documents proving 12th grade equivalency education;
- (d) Payment of the applicable license and endorsement fees required by 201 KAR 12:260;
- (e) A copy of applicant's government issued photo identification;
- (f) If convicted of a prior felony:
  - 1. A typed and signed letter of explanation from the applicant;
  - 2. Judgment of sentence; and
  - 3. A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole; and
- (g) A two (2) inch by two (2) inch passport photo of the applicant taken within the past six (6) months.

(3) An out of state applicant who meets the requirements of KRS 317A.100(2) or (3) shall:

- (a) Submit the documentation required by subsection (2)(a) through (c) and (2)(e) through (g) of this section;
- (b) Pay the applicable license and endorsement fees required by 201 KAR 12:260; and
- (c) If required by the board, pay the applicable examination fees established in 201 KAR 12:260.

(4) Active duty military family members shall apply for a reciprocal license by using the Military Transfer Application and including the following:

- (a) Certification of a current license from the out of state licensing agency;
- (b) A copy of the military sponsor's active duty orders listing the applicant as an accompanying family member;
- (c) Payment of a twenty-five (25) dollar license fee;
- (d) Diploma or certified testing documents proving 12th grade equivalency education;
- (e) A copy of applicant's government issued photo identification;
- (f) If convicted of a prior felony:

1. A typed and signed letter of explanation from the applicant;
  2. Judgment of sentence; and
  3. A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole; and
- (g) A two (2) inch by two (2) inch passport photo of the applicant taken within the past six (6) months.
- (5) All certification of hours or a license issued by the board shall be requested using the Certification Request Form that includes a copy of the applicant's government issued photo identification, and payment of the fee as set forth in 201 KAR 12:260.

Section 3. Threading Permit. (1) Any person who engages in the practice of threading shall first obtain a threader permit from the board by completing the Threading Permit Application and paying the fee established in 201 KAR 12:260.

- (2) The applicant shall include with the Threading Permit Application:
- (a) Payment of the fee required in subsection (1) of this section;
  - (b) A copy of applicant's government issued photo identification;
  - (c) If convicted of a prior felony:
    1. A typed and signed letter of explanation from the applicant;
    2. Judgment of sentence; and
    3. A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole; and
  - (d) A two (2) inch by two (2) inch passport photo of the applicant taken within the past six (6) months.

Section 4. Examination Registration. (1) Applicants shall register with the board as follows:

- (a) A student of a licensed cosmetology school shall register with the board at least eight (8) months prior to graduation for the requested apprentice cosmetologist examination date;
  - (b) A nail technician student shall register with the board at least seventy-five (75) days prior to graduation for the requested nail technician examination date; and
  - (c) An esthetician student shall register with the board at least six (6) months prior to graduation for the requested esthetician examination date.
- (2) A person shall not take the board's examination unless the board has received a completed Application for Examination or Out of State Application for Examination at least ten (10) business days prior to the beginning examination date.
- (3) An applicant shall submit the following with the Application for Examination:
- (a) If convicted of a prior felony:
    1. A typed and signed letter of explanation from the applicant;
    2. Judgment of sentence; and
    3. A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole; and
  - (b) A two (2) inch by two (2) inch passport photo of the applicant taken within the past six (6) months.
- (4) Apprentice cosmetologists shall complete the Affidavit of Apprenticeship included with the Application for Examination when applying to take the Cosmetology examination.
- (5) An applicant with curriculum hours obtained in another state shall include with the Out of State Application for Examination the following:
- (a) 1. Certification of curriculum hours from the state licensing board or agency where the hours were obtained, if the state requires the reporting of curriculum hours; or
  2. Certification of the valid licensing status of the school attended from the state board or li-

censing authority and an official transcript certified by the school;

(b) Payment of the applicable license fees as set forth in 201 KAR 12:260;

(c) Diploma or certified testing documents proving 12th grade equivalency education;

(d) A copy of applicant's government issued photo identification;

(e) If convicted of a prior felony:

1. A typed and signed letter of explanation from the applicant;

2. Judgment of sentence; and

3. A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole; and

(f) A two (2) inch by two (2) inch passport photo of the applicant taken within the past six (6) months.

(6) Examination applicants shall wear a full set of solid color medical scrubs and bring all instruments and supplies as listed on the board Web site for the practical examination. White colored scrubs or other clothing is prohibited.

Section 5. Examination Components. (1) The examination shall consist of a written test and a practical demonstration taken from the curriculum requirements specified in 201 KAR 12:082.

(2) The practical demonstration shall be performed on a:

(a) Mannequin head and hand for the cosmetology practical examination;

(b) Mannequin head for the esthetician practical examination; or

(c) Mannequin hand for the nail technician practical examination.

(3) The applicant shall provide a mannequin head or hand as needed for an examination.

Section 6. Grading. (1) A minimum passing grade of seventy (70) percent for both the written examination and the practical demonstration shall be required for the apprentice cosmetologist, nail technician, and esthetician examinations.

(2) A minimum passing grade of eighty (80) percent on the written examination and eighty-five (85) percent on the practical demonstration shall be required for all instructor examinations.

Section 7. Practice before Examination Prohibited. A student engaging in the practice of cosmetology, nail technology, or esthetics prior to the board examination shall be ineligible to take the examination for a period of one (1) year from the date of the unauthorized practice.

Section 8. License Application. (1) An applicant who passes the state board examination shall have ninety (90) days following the examination to apply for a license.

(2) Failure to apply for a license as required by subsection (1) of this section shall require payment of the appropriate restoration and licensing fees under 201 KAR 12:260 before a license may be issued.

(3) An applicant who fails to apply for a license within one (1) year of passing the examination shall retake the examination and pay the appropriate examination fee under 201 KAR 12:260.

Section 9. Retaking Examinations. Any applicant who:

(1) Fails the state board examination may retake the examination upon submitting a Examination Retake Application with a two (2) inch by two (2) inch passport photo of the applicant taken within the past six (6) months, and paying the examination fee required by 201 KAR 12:260;

(2) Is caught cheating or impersonating another shall not be allowed to retake the examination for a minimum of one (1) year from the date of the original examination; and

(3) Fails to report for the examination on the date specified by the board shall submit a new Application for Examination and pay the examination fee as required by 201 KAR 12:260 prior to being rescheduled for examination. The board may waive the examination fee for good cause shown. "Good cause" includes:

(a) An illness or medical condition of the applicant that prohibits the applicant from reporting to the examination; or

(b) A death, illness, or medical condition in the applicant's immediate family that prohibits the applicant from reporting to the examination site.

(4) Documents and certificates submitted with an Application for Examination are valid for one (1) year following the date of submission after which time applicants shall submit updated documents and certificates with the Examination Retake Application.

Section 10. Duplicate Licenses and Restoration. (1) If a license is lost, destroyed, or stolen after issuance, a duplicate license may be issued. The licensee shall submit a statement verifying the loss of the license using the Duplicate License Application that includes a copy of a government issued photo identification, and pay the duplicate license fee listed in 201 KAR 12:260. Each duplicate license shall be marked "duplicate".

(2) To restore an expired license, a License Restoration Application shall be submitted to the board along with a copy of a government issued photo identification, and payment of the restoration and license fees set forth in 201 KAR 12:260.

Section 11. Salon and Facility Applications. (1) Each person, firm, or corporation applying for a license to operate a new or relocating beauty salon, nail salon, esthetic salon, or threading facility shall submit the Salon Application or Threading Facility Application with required copies of state identification and driver's licenses, pay the applicable fee set forth in 201 KAR 12:260, and be inspected by the board inspector a minimum of five (5) business days prior to opening for business.

(2) A new or relocating salon or threading facility shall comply with all applicable city, county, state zoning, building, and plumbing laws, administrative regulations, and codes.

(3) A salon or facility may be located on the premises of a nursing home or assisted living facility if the salon or facility meets all requirements of this section.

(4) Any salon or facility located in a residence shall have a dedicated outside entrance separate from that of the residence. This subsection shall not apply to a nursing home or assisted living facility if the home or facility has obtained a salon license from the board.

(5) A salon or facility shall not open for business prior to issuance of a license or permit.

(6) A change to the owner, manager, or location of a licensed salon or threading facility shall require a new Salon Application or Threading Facility Application, or Manager Change Form to be submitted to the board and payment of the license or change fee under 201 KAR 12:260.

Section 12. Cosmetology School Licenses. (1) Each person, firm, or corporation applying for a license to operate a school of cosmetology shall submit a Cosmetology School Application and the applicable fee set forth in 201 KAR 12:260.

(2) The Cosmetology School Application shall be accompanied by:

(a) A proposed student contract listing all financial charges to enrolling students;

(b) A proposed floor plan drawn to scale by a draftsman or architects;

(c) Proof of five (5) years of residency; and

(d) If an applicant is convicted of a prior felony:

1. A typed and signed letter of explanation from the applicant;
2. Judgment of sentence; and
3. A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole.

(3) Each school shall comply with city, county, and state zoning, building, and plumbing laws, administrative regulations and codes.

(4) An inspection of the school prior to license issuance shall be:

(a) Conducted by the board inspector and two (2) board members; or

(b) The board inspector, one (1) board member, and the board administrator.

(5)(a) The inspection shall be completed within twelve (12) months of the date that the school application is submitted unless the board extends the time period for good cause.

"Good cause" includes:

1. An illness or medical condition of the applicant that prohibits the applicant from completing the final preparations; or

2. A death, illness, or medical condition in the applicant's immediate family that prohibits the applicant from completing the final preparations.

(b) Requests for an extension of time shall be submitted in writing to the board and include the following:

1. The reason for extension and the term of request; and

2. Supportive documentation of the extension request.

(6) A license to operate a cosmetology school shall be valid only for the location and person, firm, or corporate owner named on the application. A cosmetology school license shall not be transferable from one (1) location to another or from one owner to another.

(7) The cosmetology school license shall contain:

(a) The name of the proposed school; and

(b) A statement that the proposed school may operate educational programs beyond secondary education.

**Section 13. Change in School Ownership or Management.** (1) The owners, firm, or corporation operating a licensed cosmetology school shall submit to the board a new Cosmetology School Application or a Manager Change Form and payment of the applicable fee set forth in 201 KAR 12:260 no later than thirty (30) business days prior to selling, transferring, or changing ownership or changing school managers.

(2) A prospective owner(s) or manager shall meet all qualifications of KRS Chapter 317A, KRS Chapter 317B, and 201 KAR Chapter 12, and have the approval of the board before assuming operation of the school.

**Section 14. Classification as School.** Any person, establishment, firm, or corporation that accepts, directly or indirectly, compensation for teaching any subject of cosmetology as defined in KRS 317A.010 shall be classified as a cosmetology school and shall comply with KRS Chapter 317A, Chapter 317B, and 201 KAR Chapter 12.

**Section 15. Owner and Manager Student Prohibited.** An owner, partner, stockholder, corporate officer, or a manager of a licensed cosmetology school shall not be enrolled as a student in the school.

**Section 16. Board Member Disclosure.** A board member shall disclose to the board a financial interest in a salon or school when submitting an application for a salon or school license.

Section 17. Demonstration Permits. Professional services performed outside a licensed facility shall have approval of the board and display the proper permit. Permits may be obtained by completing the Demonstration Permit Application and paying the applicable fee set forth in 201 KAR 12:260.

Section 18. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Out of State Transfer Application", October 2017;
- (b) "Military Transfer Application", October 2017;
- (c) "Certification Request Form " October 2017;
- (d) "Threading Permit Application", October 2017;
- (e) "Application for Examination", October 2017;
- (f) "Out of State Application for Examination", October 2017;
- (g) "Examination Retake Application", October 2017;
- (h) "Duplicate License Application", October 2017;
- (i) "License Restoration Application", October 2017;
- (j) "Salon Application", February 2018;
- (k) "Threading Facility Application", October 2017;
- (l) "Manager Change Form", October 2017;
- (m) "Cosmetology School Application", October 2017; and
- (n) "Demonstration Permit Application", October 2017.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky State Board of Hairdressers and Cosmetologists, 111 St. James Court, Suite A, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (KBHC:Lic:PL: Bus-1; 1 Ky.R. 720; eff. 5-14-1975; Am. 9 Ky.R. 12; eff. 8-11-1982; 13 Ky.R. 1710; eff. 6-9-1987; 15 Ky.R. 2103; eff. 4-14-1989; 30 Ky.R. 955; 1906; eff. 2-16-2004 -- Amd 44 Ky.R. 1615, 1970; eff. 4-6-2018.)